

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: August 19, 2016

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Case No. 16-1705, *NLRB v. USPS*
Re: Originating Case No. : 15-CA-122723 : 15-CA-140463 : 15-CA-
140989 : 15-CA-142354 : 15-CA-142572 : 15-CA-151413 : 15-CA-
153680 : 15-CA-158826

Dear Counsel:

The Court issued the enclosed Judgment today in this case.

Sincerely yours,

s/Bryant L. Crutcher
Case Manager
Direct Dial No. 513-564-7013

Enclosure

Mandate to issue

No. 16-1705

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 19, 2016
DEBORAH S. HUNT, Clerk

NATIONAL LABOR RELATIONS BOARD,)
)
Petitioner,)
)
v.)
)
UNITED STATES POSTAL SERVICE,)
)
Respondent.)

J U D G M E N T

Before: KEITH, GIBBONS, and DONALD, Circuit Judges.

The National Labor Relations Board (the “Board”) applies for summary enforcement by consent of its May 23, 2016 Decision and Order in Case Nos. 15-CA-122723, 15-CA-140463, 15-CA-140989, 15-CA-142354, 15-CA-142572, 15-CA-151413, 15-CA-153680, and 15-CA-158826 against Respondent, United States Postal Service (“USPS”), its officers, agents, successors, and assigns. In a stipulation entered before the Board and in an answer filed with the Court, USPS expressly consents to the entry of a judgment enforcing the Decision and Order of the Board. Upon review of the materials submitted,

It is ORDERED and ADJUDGED that the Board’s Order in Case Nos. 15-CA-122723, 15-CA-140463, 15-CA-140989, 15-CA-142354, 15-CA-142572, 15-CA-151413, 15-CA-153680, and 15-CA-158826 is hereby ENFORCED, and USPS, its officers, agents, successors,

No. 16-1705

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and assigns, shall abide by and perform the directions of the Board set forth therein. (See attached Order and Appendix).

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written above a horizontal line.

Deborah S. Hunt, Clerk

NATIONAL LABOR RELATIONS BOARD

v.

UNITED STATES POSTAL SERVICE

ORDER

United States Postal Service, 1921 Elvis Presley Blvd., Memphis TN 18136, its officers, agents, successors, and assigns, shall

1. Cease and desist from:
 - (a) Failing and refusing to bargain in good faith with the exclusive representative of its National Postal Mail Handlers Union Local 329-represented employees in a unit appropriate for collective bargaining by failing and refusing to furnish the Local Union, in a timely manner, information requested by the Local Union which is relevant to and necessary for the Local Union's representation of employees as local agent of the National Union, National Postal Mail Handlers Union (NPMHU).
 - (b) Failing and refusing to bargain in good faith with the exclusive representative of its National Postal Mail Handlers Union Local 329-represented employees in a unit appropriate for collective bargaining by failing and refusing to furnish the Local Union information requested by the Local Union which is relevant to and necessary for the Local Union's representation of employees as local agent of the National Union.
 - (c) In any like or related manner interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act:
 - (a) Cease failing and refusing to bargain in good faith with the exclusive representative of its National Postal Mail Handlers Union Local 329-represented employees by informing, in writing, the Local Union as local agent of the National Union that the Respondent will timely provide it with relevant requested information in the future and that the Local Union may request relevant information from the Respondent.

- (b) Conduct a prompt and diligent search for information requested by the Local Union that is relevant and necessary, and timely provide the Local Union as the agent of the National Union with relevant information it requests.
- (c) Waive, for 60 days following issuance of the Board's Order, or the Respondent providing the requested information, whichever is longest, any contractual deadlines for filing and pursuing grievances related to the requested information, where the NPMHU and/or NPMHU Local 329 missed those deadlines due to the Respondent's delay in providing the information and/or informing the NPMHU or NPMHU Local 329 that the information does not exist.
- (d) Preserve and, within 14 days of request, make available to the Board or its agents for examination and copying, all records necessary to determine that the Respondent has complied with the terms of this Order.
- (e) Within 14 days of service by the Region, post at its 1921 Elvis Presley Blvd., Memphis, TN facility, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 15, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent
has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at the closed facility at any time since August 23, 2013.
- (i) Within 21 days after service by the Region, file with the Regional Director for Region 15 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX A

NOTICE TO EMPLOYEES

**Posted by Order of the
National Labor Relations Board
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

The National Postal Mail Handlers Union (NPMHU) is the employees' representative in dealing with us regarding wages, hours and other working conditions of the employees in the following unit (Unit):

Included: the Employer recognizes the NPMHU as the exclusive bargaining representative of all employees in the bargaining unit for which the NPMHU has been recognized and certified at the national level – Mail Handlers;
Excluded: Managerial and supervisory personnel, Professional employees, Employees engaged in personnel work in other than a purely non-confidential clerical capacity, Security guards as defined in Public Law 91-375, 1201(2), Postal Inspection Service employees, Employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, City Letter Carriers, Maintenance employees, Special Delivery Messengers, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shop employees, and Mail Transport Equipment Centers and Supply Center employees.

WE WILL NOT, upon request, refuse to bargain in good faith with NPMHU Local 329 as the National Union's designated agent for administering the collective-bargaining agreement at the Employer's Memphis, Tennessee facility.

WE WILL NOT refuse to provide NPMHU Local 329 with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT unreasonably delay in providing NPMHU Local 329 with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT unreasonably delay in responding to NPMHU Local 329 with regard to requested information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT fail to respond to NPMHU Local 329 with regard to requested information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT insist that NPMHU Local 329 clarify a request for information when the request is already clear on its face.

WE WILL NOT delay in diligently searching for information requested by NPMHU Local 329 that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with, restrain or coerce you in the exercise of the rights guaranteed to you by Section 7 of the Act.

WE WILL, upon request, bargain in good faith with the NPMHU or NPMHU Local 329 as agent for administering the collective-bargaining agreement at the Memphis, Tennessee facility.

WE WILL, within 14 days of the posting of this notice, provide NPMHU Local 329 with the information it requested, if we have not already done so, as alleged in the Third Order Further Consolidating Cases, Third Consolidated Complaint and Notice of Hearing, which information is relevant and reasonably necessary for NPMHU Local 329 to administer the collective-bargaining agreement and to process pending grievances.

WE WILL, in a timely manner, notify NPMHU Local 329 that requested information is not available because it does not exist.

WE WILL waive, for 60 days following issuance of the Board's Order or our

providing the requested information, whichever is longest, any contractual deadlines for filing and pursuing grievances related to the requested information, where the NPMHU or NPMHU Local 329 missed those deadlines due to our delay in providing the requested information and/or informing NPMHU or NPMHU Local 329 that the information does not exist.

WE WILL, if the information NPMHU Local 329 requested as alleged in the Third Order Further Consolidating Cases, Third Consolidated Complaint and Notice of Hearing does not exist, notify NPMHU Local 329 that the requested information does not exist, if we have not already done so.

WE WILL, in a timely manner, diligently search for information requested by NPMHU Local 329 that is relevant and necessary for it to perform its duties as the National Union's agent.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/15-CA-122723 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

